IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.343 OF 2006
IN
APPEAL (L) NO.53 OF 2006
IN
COMPANY APPLICATION NO.101 OF 2002
IN
COMPANY PETITION NO.96 OF 1998

The Thane Janata Sahakari
Bank Limited .. Appellant.
V/s.
The State of Maharashtra & Ors. .. Respondents.

Mr.R.S. Apte i/b. Mr.M.V. Limaye for the appellant.
Ms.Geeta Shastri, AGP for the respondent.

CORAM : V.C. DAGA &
J.P. DEVADHAR, JJ.

DATED : 12TH JULY, 2006.

P.C. :

Heard rival parties.

2. This is a notice of motion for condonation of delay at the instance of the appellant - The Thane Janata Sahakari Bank Limited. The delay is of almost more than two years. If the case of the appellant is considered in isolation, in that case there is hardly any case for condonation of delay.

3. However, it appears from the affidavit filed by the Sales Tax Officer that the appeal filed by SICOM bearing No.658 of 2004; before this Court has already been admitted and the same is pending. The issue sought to be raised in the present appeal is the same issue

which is being raised in the appeal filed by SICOM.

4. Under these circumstances, we do not think that any prejudice would be caused to the respondents if the delay is condoned. However, the appellant has to be saddled with heavy cost for not filing the appeal well within time.

5. In the above view of the matter, the delay in filing the appeal is condoned, subject to payment of cost of Rs.10,000/-; to be paid to the Sales Tax Department, Maharashtra State within two weeks from today, failing which the application for condonation of delay shall deemed to have been rejected.

6. The notice of motion stands disposed in above terms.

(V.C. DAGA, J.)

(J.P. DEVADHAR, J.)